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13 ATTORNEYS FOR DEFENDANTS

14
                    IN THE UNITED STATES DISTRICT COURT
15   FOR THE NORTHERN DISTRICT OF CALIFORNIA
                            SAN FRANCISCO DIVISION
16

17
)   Case No. C 06-5611 CRB
18 BAYKEEPER, HUMBOLDT   )
   BAYKEEPER, ECOLOGICAL RIGHTS   )
19 FOUNDATION, and COMMUNITIES FOR   )
   A BETTER ENVIRONMENT,   )
20   )
              Plaintiffs,   )   **STIPULATED REQUEST FOR AN**
21   )   **ORDER ENLARGING TIME FOR**
       v.   )   **EPA TO RESPOND TO**
22   )   **PLAINTIFFS' MOTION FOR**
)   **SUMMARY JUDGMENT**
23 UNITED STATES ENVIRONMENTAL   )
   PROTECTION AGENCY, STEPHEN L.   )
24 JOHNSON, as Administrator of the United   )
   States Environmental Protection Agency,   )
25 WAYNE NASTRI, as Regional   )
   Administrator of the United States   )
26 Environmental Protection Agency, Region 9,)
)
27   Defendants.   )
)
28

1   WHEREAS, Plaintiffs filed a motion for summary judgment on October 5, 2006 in this

2   case and noticed it for hearing on November 17, 2006;

3   WHEREAS, Defendants Stephen L. Johnson, Administrator of the United States

4   Environmental Protection Agency; and Wayne Nastri, Regional Administrator, EPA Region IX,

5   and the United States Environmental Protection Agency (collectively "EPA") filed a motion on

6   October 6, 2006 to stay this case pending resolution of EPA's administrative motion (also filed

7   on October 6, 2006) to determine if this case is related to Baykeeper v. U.S. Environmental

8   Protection Agency, Case No. C 06-5159 SC, and whether this case should be transferred to

9   Judge Conti as the judge on the earliest filed case;

10   WHEREAS, Judge Conti denied EPA's administrative motion on October 13, 2006

11   (mooting EPA's motion to stay this case scheduled to be heard on October 20, 2006);

12   WHEREAS, EPA has requested additional time to prepare its response to Plaintiffs'

13   motion for summary judgment in light of Judge Conti's ruling last Friday and other work

14   obligations requiring counsel for EPA to be out of the office until October 23, 2006;

15   NOW, THEREFORE, the parties have agreed to extend the briefing schedule as indicated

16   below and request that the Court issue an order as follows:

17   1.   Defendants' response to Plaintiffs' motion for summary judgment shall be filed

18   no later than November 3, 2006.

19   2.   Plaintiffs' reply brief shall be filed no later than November 8, 2006.

20   3.   The hearing on the Plaintiffs' motion for summary judgment will remain on

21   calendar for November 17, 2006 at 10:00 a.m.

22

23   Respectfully submitted,

24   Dated: October 16, 2006

25   FOR PLAINTIFFS: /s/ Christopher Sproul
                                   CHRISTOPHER SPROUL
26   Environmental Advocates
                                   5135 Anza Street
27   San Francisco, CA 94121

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1   FOR DEFENDANTS: KEVIN V. RYAN
                                              United States Attorney
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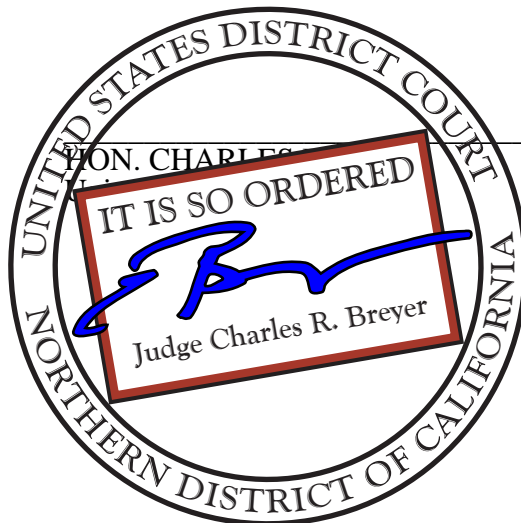   SUE ELLEN WOOLDRIDGE
3   Assistant Attorney General
                                              Environment & Natural Resources Division
4
                                              /s/ Lily N. Chinn[1]/
5   LILY N. CHINN
                                              Trial Attorney
6   United States Department of Justice
                                              Environmental Defense Section
7   P.O. Box 23986
                                              Washington, D.C. 20026-3986
8

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     It is so ordered.
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     DATED: __October 20, 2006____
13   HON. CHARLES ...

14   IT IS SO ORDERED

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16   Judge Charles R. Breyer

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27   _____

     [1]/   As the filing attorney, I, Lily N. Chinn, attest that Plaintiffs' attorney, Christopher
28   Sproul, finds the contents of this filed document acceptable and has given me permission to
     electronically file this stipulated motion on his behalf.

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